



Image

Patent
Attorney's Docket No. 007325-077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP REISSUE
)	
Frank J. KOCH et al.)	Group Art Unit: 2863
)	
Reissue Application No.: 09/542,640)	Examiner: Hien X. Vo
)	
Filed: April 3, 2000)	Confirmation No.: 4650
)	
For: COATING THICKNESS GAUGE)	
)	
)	
)	

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

(10/03)

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	41	MINUS 45 =	0	× \$18.00 (1202) =	
Independent Claims	3	MINUS 6 =	0	× \$86.00 (1201) =	
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					0.00

☐ A check in the amount of \$_____ is enclosed for the fee due.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: April 6, 2004

By: William C Rowland
William C. Rowland
Registration No. 30,888

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On March 5, 2004, Applicants submitted an Amendment in the above-identified Reissue Application. On March 24, 2004, the U.S. Patent and Trademark Office issued a Notice of Non-Compliant Amendment (37 C.F.R. 1.121). The Notice indicated that a complete listing of all of the claims is not present and provided the Applicant with one month to comply with 37 C.F.R. 1.121. However, the Patent Office is reminded that the present application is a reissue application. According to 37 C.F.R. §1.121(i), an amendment to the description and claims in a reissue application must be made in accordance with 37 C.F.R. §1.173. According to 37 C.F.R. §1.173(b)(2), an Amendment paper must include the entire text of each claim being changed by the Amendment paper, and of each claim be added by the Amendment paper. However, Rule 173 does not require that claims that are not amended or that are not being added to patent need to be included

in an Amendment. Accordingly, claims 1-30 were not included in the Amendment in filed on March 5, 2004.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Applicants again point out that this Reissue application has been pending for an unnecessarily long period of time, and respectfully requests expedited treatment of the application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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